

10783. Adulteration of oranges. U. S. v. 462 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product released under bond (F. & D. No. 15797. S. No. W-1060.)

On March 24, 1922, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 462 boxes of oranges, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Peppers Fruit Co., on or about March 17, 1922, and transported from the State of California into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Wash Navels Coral Grown and Packed by West Highland Citrus Association, Highland, * * * Cal." The remainder of the article was labeled in part: "Wash Navels Our Brand Highland * * * Cal. Packed Expressly for us by West Highland Citrus Association."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On March 30, 1922, Evans & Peppers, a copartnership, consisting of O. C. Evans and E. H. Peppers, claimants, having admitted the allegations of the libel and consented to a decree of condemnation and forfeiture, judgment of the court was entered declaring the product to be adulterated and ordering its release to the said claimants, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the said product be salvaged under the supervision of this department, the bad portion destroyed and the good portion then to be delivered to the said claimants without condition.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10784. Adulteration and misbranding of orange, raspberry, strawberry, and lemon flavoring extracts. U. S. v. 17 Bottles of Orange Flavoring Extract, 11 Bottles of Raspberry Flavoring Extract, 20 Bottles of Strawberry Flavoring Extract and 72 Bottles of Lemon Flavoring Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15979. I. S. Nos. 15465-t, 15466-t, 15467-t, 15470-t. S. No. E-3774.)

On February 16, 1922, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 17 bottles of orange flavoring extract, 11 bottles of raspberry flavoring extract, 20 bottles of strawberry flavoring extract, and 72 bottles of lemon flavoring extract, remaining unsold and in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped on or about August 23, August 8, September 30, and November 1, 1921, by Leading Perfumers & Chemists, New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of Food and Drugs Act, as amended.

Adulteration of the article was alleged in substance in the libel for the reason that, in the case of the orange flavoring and lemon flavoring extracts, a certain substance, and, in the case of the raspberry and strawberry flavoring extracts, artificial coloring had been mixed and packed with the articles so as to reduce and lower and injuriously affect their quality and strength, and had been substituted wholly or in part for the articles.

Misbranding was alleged for the reason that the labels upon each of the bottles bore at the time of their shipment and delivery certain statements, words, and devices, as follows. "2 fluid ounces," "Extract of Orange," "Extract of Raspberry," "Extract of Strawberry," "Extract of Lemon" (as the case might be), which said statements, words, and devices were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that said articles, respectively, were each an imitation of and offered for sale under the distinctive name of another article, and for the further reason that said articles were articles of food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 12, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*